

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish Policies
and Cost Recovery Mechanisms for Generation
Procurement and Renewable Resource
Development.

Rulemaking 01-10-024
(Filed October 25, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING DIRECTING
THE UNION OF CONCERNED SCIENTISTS TO PROVIDE CLARIFICATION
OF ENERGY FOUNDATION GRANTS RELATING TO ITS REQUEST FOR
INTERVENOR COMPENSATION**

The Union of Concerned Scientists (UCS) requests an intervenor compensation award of \$74,712 (amended from its initial request of \$117,994) for its contributions to Decision (D.) 02-08-071 and D.02-10-062. Both decisions are interim orders in Rulemaking (R.) 01-10-024, and UCS's contributions in both decisions exclusively involve renewable energy issues and the development of a Renewable Portfolio Standard (RPS) in California.

During the period 2000-2003, public records show that UCS received at least seven funding grants from the Energy Foundation,¹ totaling approximately \$1.5 million. Three of these grants are specific to the development of renewable energy policies in California. By this ruling, UCS is directed to file a clarification

¹ The Energy Foundation, founded in 1991, is a partnership of other major foundations developed to promote renewable and sustainable energy. Others include the MacArthur Foundation, the Pew Charitable Trusts, and the Rockefeller Foundation. Programs include the Climate Program and China Sustainable Energy Program.

to its intervenor compensation award request explaining the relationship of the Energy Foundation grants to the intervenor request and how Energy Foundation grant funds were used by UCS.

Background

UCS filed its initial request for compensation on December 20, 2002. On January 17, 2003, the Southern California Edison Company (Edison) filed a response opposing the award asserting that UCS should be deemed ineligible for intervenor compensation. Edison claimed UCS received three grants from the Energy Foundation in 2001 totaling \$622,700 (\$42,700, \$230,000 and \$350,000) for work performed on renewable energy issues in California. Edison also opposed the award for various procedural and financial hardship reasons that are not addressed here as Administrative Law Judge (ALJ) Walwyn previously ruled that UCS satisfied all the procedural requirements necessary to make its request for compensation.

Although Edison ultimately withdrew its opposition, the issue of grant monies from the Energy Foundation remains. A review of the Energy Foundation's public web-site shows that UCS received \$1,511,700 in grant funds since the year 2000. Of this amount, two grants totaling \$87,700 were specific to the development of the RPS and renewable energy policies in California. A third grant of \$350,000 jointly covered renewable energy policies in New England, the Midwest and California. The total of California-specific grants ranged from \$87,700 to \$437,700. In its response to Edison's opposition, UCS stated the Energy Foundation grants provided reimbursement for only a fraction of the time and expense spent on the RPS campaign in California and that it would have been unable to make a substantial contribution absent an intervenor compensation award. However, considering the number and dollar amount of

the grants and intervenor award requests, it is now reasonable to direct UCS to clarify the grants received from the Energy Foundation, or any other related foundations or organizations, by submitting a comparison of work funded by the grants and work funded by intervenor awards relating to renewable energy policies in California.

Therefore, **IT IS RULED** that, within 45 days, UCS is directed to file a clarification to its request for \$74,712 in intervenor compensation. This amendment shall include: an explanation of grant monies received from the Energy Foundation, or any related organizations; a listing of projects on which the grant money was used; and a comparison to projects for which intervenor compensation is being requested from this Commission. The time period covered by the amendment shall be for the years 2000-2003.

Dated November 17, 2003, at San Francisco, California.

/s/ KENNETH L. KOSS

Kenneth L. Koss
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Directing the Union of Concerned Scientists to Provide a Record of Energy Foundation Grants Relating to its Request for Intervenor Compensation on all parties of record in this proceeding or their attorneys of record.

November 17, 2003, at San Francisco, California.

/s/ HELEN FRIEDMAN
Helen Friedman

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

R.01-10-024 KLK/hf1

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.